

## REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

## PENDING CLAIMS

Claims 23-26 was pending, under consideration and subjected to examination. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is presently interested. At entry of this paper, Claim 23-27 will be pending for further consideration and examination in the application. It is respectfully submitted that the present amendment of the claims does not add new matter to the application.

Regarding support, the text added to claims 23-26 is simply a movement of text from the preamble into the body of the claim. Independent claim 27 parallels independent claim 1, but further recites, "...determining motion vector information to be used for the current block in the prediction mode, based on whether predetermined adjacent blocks adjacent to the current block, have a motion vector referencing to selected reference frame(s) from the selecting, wherein ...". Support for such claim 27 added text may be found, for example, on page 35, lines 25-26 of Applicant's original specification.

### REJECTION(S) UNDER 35 USC '103

The 35 USC '103 rejection of claims 23-26 is respectfully traversed. However, such rejection has been rendered obsolete by the present clarifying amendments to Applicant's claims, and accordingly, traversal arguments are not appropriate at this time. However, Applicant respectfully submits the following to preclude renewal of any such rejections against Applicant's clarified claims. That is, insofar as any such rejection applies to Applicant's presently-clarified claims, Applicant respectfully submits the following.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, regarding any descriptions and rebuttal arguments concerning Applicant's invention and/or the applied prior art as included herein, yet found to be corrective over prior descriptions and rebuttal arguments, such corrective descriptions and rebuttal arguments should be considered to supersede prior descriptions and rebuttal arguments. Still further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

With regard to the several indications within the 02 February 2010 Office Action that the (using prior independent claim 23 as an example) "...the moving picture decoding method having a prediction mode in which prediction mode motion vector information of a current block in a current frame is not transmitted from an encoding side..." limitations (or similar limitations in the other independent claims) have **"not be given patentable weight because the recitation occurs in the**

preamble", it is respectfully noted that all such recitations have now been moved from the preamble into a body of the claims. Accordingly, it is respectfully requested that patentable weight be afforded to such recitations/limitations. The Undersigned respectfully notes that such affording of patentable weight may, by itself, serve to overcome the existing rejections.

Regarding the "AAPA (Applicants Admitted Prior Art)", Rodriguez et al., Fukuhara et al. and "Well Known Prior Art (Official Notice)" combination rejection, Applicant respectfully submits the following.

Regarding the present rejection, it is respectfully submitted that the Applicant is improperly making use of an alleged "Applicant's Admitted Prior Art (AAPA)" and "Well Known Prior Art (Official Notice)". Strong traversal is appropriate.

Regarding the alleged "Applicant's Admitted Prior Art (AAPA)", it was respectfully noted at the aforementioned examiner interview, that Applicant's foreign patent representative and the Undersigned could not determine where the Examiner was deriving AAPA from Applicant's disclosure. The Interview Summary document from the examiner interview indicates in relevant part, that "The Examiner has agreed to further explain the interpretation of AAPA against the instant claims." Applicant respectfully requests that the Examiner point out exactly where (e.g., page/line; FIGs) the Examiner is finding AAPA.

Further regarding AAPA, Applicant reiterates the AAPA traversal arguments made within Applicant's prior 24 December 2009 Amendment concerning the 24 June 2009 Office Action. Described in paragraph [0010] of this application's publication, it is respectfully noted that such paragraph only discusses a general background arrangement. Paragraph [0010] says nothing about any "...moving

picture decoding method having a prediction mode in which prediction mode motion vector information of a current block in a current frame is not transmitted from an encoding side" as explicitly claimed within Applicant's claims. In short, it is respectfully submitted that paragraph "5" beginning on page 3 of the 24 June 2009 Office Action, concerning AAPA discussions, is only a word-for-word regurgitation of paragraph [0010] inserted into the middle of a word-for-word regurgitation of Applicant's claim 23. That is, it is respectfully submitted that such paragraph "5" no substantive discussions or reasoning (beyond the word-for-word regurgitation) as to why or how paragraph [0010] teaches Applicant's claim 23 features/limitations. Applicant respectfully requests that the Examiner provide more substantive discussions or reasoning regarding, or else the Examiner should withdraw such unsupported allegations.

Traversal regarding **Rodriguez et al.** is as follows. In Applicant's present invention, a moving picture decoding method **does not receive transmission of a motion vector against a current block**. For example, in claims 23, 24 and 27, such feature can be read from the phrase "**in a prediction mode in which prediction mode motion vector information of a current block in a current frame has not been transmitted from an encoding side**". Similarly, in claims 25 and 26, one can read the phrase "**in a decoding of a motion-vector-less block from a motion-vector-less prediction mode**". Further, in Applicant's present invention, Applicant's claimed method determines the motion vector against the current block **based on whether adjacent blocks adjacent to the current block, have a motion vector**.

In contrast, **Rodriquez** (U.S. 6195389) is not particularly relevant in that, Rodriquez is directed to an **encoding (not a decoding)** side, and further, Rodriquez's arrangement is directed toward **actually deriving a motion vector for a current block, which can be sent** from Rodriquez's encoding side.

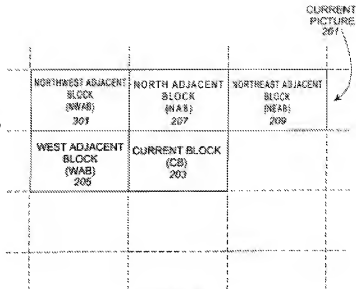
More particularly, Rodriguez's arrangement implements two phases. More particularly, in order to determine a motion vector for a **Current Block 203**

(see **FIG. 3** reproduced herewith for convenience), Rodriguez's

arrangements compares a content of the **Current Block 203** to some of a

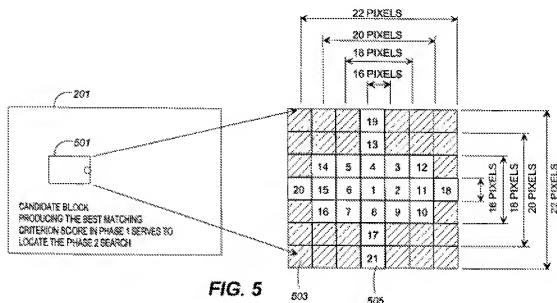
**West Adjacent Block 205**, a

**Northwest Adjacent Block 301**, a **North Adjacent Block 207** and/or a **Northeast Adjacent Block 209**, to determine which block which three of the four adjacent blocks (northwest, north, northeast, west) should be used to contribute their motion vectors as a "predictor" for the current block (Note: The northwest block serves as a replacement when one of the other blocks 205, 207, or 209 does not exist in the frame). The candidate block producing a best matching criterion score in this phase 1, serves to focus a location of a phase 2 search.



**FIG. 3**

A motion vector of such best matching candidate block, is used to determine a general "predphase" **501** search area (**FIG. 5**, reproduced herewith for convenience), and a diamond-shaped search pattern is determined. In Phase 2 of



Rodriguez's arrangement, a spiral search within the diamond-shaped region is preferably conducted in a specific order as indicated by the increasing number label of the blocks, so as to further minimize computation (i.e., if there are fewer candidate blocks (than a full frame **201**) to search, then computation will be conducted faster). A spiraling outward block path is conducted for the rationale that the closer a candidate block is to Predphase1 **501**, the more likely it is to have a matching criterion score that is better than the score at Predphase1 **501**. Hence, candidate blocks are considered in a counterclockwise (or alternatively clockwise) spiral outward order (away from Predphase1 **501**). Upon successful completion, Rodriguez's arrangement actually derives a motion vector for a current block, which can be sent from Rodriguez's encoding side.

To reiterate, it can be seen that Rodriguez is not particularly relevant, in that Rodriguez is directed to an encoding (not a decoding) side, and further, Rodriguez's arrangement is directed toward actually deriving a motion vector for a current block, which can be sent from Rodriguez's encoding side. That is, Rodriguez has nothing to do with the decoding of a motion-less-vector block at a decoding side.

Turning to Fukuhara, Fukuhara does not cure the major deficiencies mentioned above with respect to the above-discussed reference(s).

Finally, turning to the "Official Notice", in an attempt to cure further deficiencies whether "...adjacent blocks are decoded earlier than the current block", the Office Action rejection indicates, "...Official Notice is taken that both the advantage and concept of providing the limitations as claimed are notoriously well known and expected in the art ...[and therefore it] would have been obvious to one of ordinary skill in the art to incorporate with AAPA (modified by Rodriguez and Fukuhara) for providing improved image processing." With regard to such parts of the Office Action comments set forth in support of the rejection(s), which assert that certain ones of Applicant's claim features/limitations were "well-known in the art", traversal is appropriate. Regarding the details of such traversal, attention is directed to the **SPECIFIC TRAVERSAL OF "OFFICIAL NOTICE"** section set forth near the end of this paper. In short, Applicant respectfully requests that the Examiner cite a valid reference supporting the "Official Notice", as required by **MPEP 2144.03**, or alternative, the Examiner should withdraw the unsupported "Official Notice".



No other reference cures the major deficiencies mentioned above with respect to the above-discussed reference(s). Accordingly, it is respectfully submitted that the previously-applied and/or known references (whether taken individually, or in combination) would not have disclosed or suggested Applicant's claimed invention.

As a result of all of the foregoing, it is respectfully submitted that the applied art (taken alone and in the Office Action combinations) would not support a '103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '103 rejection, and express written allowance of all of the '103 rejected claims, are respectfully requested.

#### **SPECIFIC TRAVERSAL OF "OFFICIAL NOTICE"**

Office Action comments in support of the art rejection(s) assert that certain claimed features/limitations were "well known in the art", i.e., without providing supportive art references for such assertion. With regard to such assertion of apparent judicial (i.e., Examiner) notice of common knowledge or well-known prior art, attention is directed to MPEP 2144.03 which states, "If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position." Accordingly, in view of Applicant's traversal in this regard, and in accordance with the provisions of MPEP 2144.03, Applicant respectfully requests that a documentary proof be cited to explicitly show that such features/limitations were explicitly known in the art, or alternatively, Applicant respectfully requests withdrawal of all rejections based upon such unsupported judicial notice.

### **EXAMINER INVITED TO TELEPHONE**

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 500.44249X00) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

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